

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-SECOND LEGISLATURE

—————  
**TWENTY-THIRD LEGISLATIVE DAY**  
**TUESDAY, JANUARY 28, 2014**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent –Collins, Palmer. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Katelyn Manker, Page.

### Approval of Journal

January 28, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

### Consideration of Messages from the Governor and the Senate

January 27, 2014

Mr. Speaker:

I transmit herewith [SJM 103](#), [S 1216](#), [S 1217](#), and [S 1218](#) which have passed the Senate.

NOVAK, Secretary

[SJM 103](#), [S 1216](#), [S 1217](#), and [S 1218](#) were filed for first reading.

### Report of Standing Committees

January 28, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 420](#).

WILLS, Chairman

[H 420](#) was referred to the Revenue and Taxation Committee.

January 27, 2014

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 397](#) and recommend that it do pass.

HARTGEN, Chairman

[H 397](#) was filed for second reading.

January 28, 2014

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 348](#), [H 349](#), and [H 350](#) and recommend that they do pass.

WOOD(27), Chairman

[H 348](#), [H 349](#), and [H 350](#) were filed for second reading.

January 28, 2014

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [SCR 132](#) and recommend that it do pass.

LOERTSCHER, Chairman

[SCR 132](#) was filed for second reading.

January 28, 2014

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 361](#), [H 362](#), and [H 385](#) and recommend that they do pass.

DEMORDAUNT, Chairman

[H 361](#), [H 362](#), and [H 385](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

[SJM 103](#), by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 421 BY BUSINESS COMMITTEE

AN ACT

RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1202, IDAHO CODE, TO REVISE A DEFINITION.

#### HOUSE BILL NO. 422 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2744, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SUPERVISION OF THE DESTRUCTION OF CERTAIN PROPERTY AND TO MAKE TECHNICAL CORRECTIONS.

#### HOUSE BILL NO. 423 BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO WOLF CONTROL; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 53, TITLE 22, IDAHO CODE, TO PROVIDE A CHAPTER HEADING, TO PROVIDE FOR THE IDAHO WOLF DEPREDAATION CONTROL BOARD, TO PROVIDE FOR OFFICERS, TO PROVIDE FOR MEETINGS, TO PROVIDE FOR COMPENSATION, TO PROHIBIT THE USE OF FUNDS FOR CERTAIN PURPOSES, TO PROVIDE FOR REIMBURSEMENT OF EXPENSES, TO DEFINE TERMS, TO PROVIDE FOR POWERS AND DUTIES,

TO CLARIFY THAT CONTROL OF WOLVES UNDER SPECIFIED LAW DOES NOT INCLUDE THE PAYMENT OF COMPENSATION FOR DAMAGES, TO PROVIDE THAT CONTROL ACTIVITIES SHALL BE CONSISTENT WITH SPECIFIED LAW, TO PROVIDE FOR THE WOLF CONTROL FUND, TO PROVIDE FOR SUBACCOUNTS, TO PROVIDE FOR THE WOLF CONTROL SECONDARY FUND, TO PROVIDE FOR THE COLLECTION AND DEPOSIT OF WOLF CONTROL ASSESSMENTS BY THE STATE BRAND INSPECTOR AND THE IDAHO SHEEP AND GOAT HEALTH BOARD, TO PROVIDE FOR THE USE OF CERTAIN FUNDS, TO PROVIDE FOR THE TRANSFER OF SPECIFIED MONEYS FROM THE FISH AND GAME FUND TO THE FISH AND GAME FUND TRANSFER SUBACCOUNT, TO AUTHORIZE THE IDAHO FISH AND GAME COMMISSION TO DIRECT THE WOLF DEPREDACTION CONTROL BOARD AS TO USE OF CERTAIN FUNDS, TO PROVIDE THAT THE WOLF DEPREDACTION CONTROL BOARD SHALL COMPLY WITH THE DIRECTION OF THE COMMISSION AND TO PROVIDE AN EXCEPTION TO SPECIFIED REQUIREMENTS FOR COLLECTION OF WOLF CONTROL ASSESSMENTS DURING A SPECIFIC TIME PERIOD; AMENDING CHAPTER 1, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-125, IDAHO CODE, TO PROVIDE THAT THE FISH AND GAME COMMISSION SHALL COMPLY WITH SPECIFIED LAW IN PROVIDING THE WOLF DEPREDACTION CONTROL BOARD WITH DIRECTION FOR USE OF CERTAIN FISH AND GAME FUNDS; AMENDING SECTION 25-130, IDAHO CODE, TO PROVIDE THAT WOLF CONTROL ASSESSMENTS SHALL NOT BE CONSIDERED SPECIAL ASSESSMENTS SUBJECT TO CERTAIN EFFECTIVE DATE PROVISIONS; AMENDING SECTION 25-131, IDAHO CODE, TO PROVIDE FOR WOLF CONTROL ASSESSMENTS BY THE IDAHO SHEEP AND GOAT HEALTH BOARD; AMENDING SECTION 25-1145, IDAHO CODE, TO INCREASE THE MAXIMUM FEE THAT THE STATE BRAND INSPECTOR MAY IMPOSE FOR BRAND RENEWAL AND TO PROVIDE THAT A SPECIFIED AMOUNT OF THE FEE SHALL BE CONSIDERED A WOLF CONTROL ASSESSMENT; TO PROVIDE FOR NONSEVERABILITY; AND DECLARING AN EMERGENCY.

#### **HOUSE BILL NO. 424**

##### **BY RESOURCES AND CONSERVATION COMMITTEE AN ACT**

RELATING TO IRRIGATION DISTRICT DIRECTOR ELECTIONS; AMENDING SECTION 43-201A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CIRCUMSTANCES UNDER WHICH AN ELECTION SHALL NOT BE REQUIRED, TO REMOVE PROVISIONS RELATING TO DELIVERY OF CERTAIN CERTIFICATES OF ELECTION TO A CANDIDATE DECLARED ELECTED BY THE BOARD AND TO PROVIDE FOR CONTINUATION OF INCUMBENT DIRECTORS' TERMS OF OFFICE UNDER CERTAIN CIRCUMSTANCES.

#### **HOUSE BILL NO. 425**

##### **BY RESOURCES AND CONSERVATION COMMITTEE AN ACT**

RELATING TO WATER DISTRICTS; AMENDING SECTION 42-612, IDAHO CODE, TO PROVIDE THAT WATER USERS MAY PROVIDE FOR AN ANNUAL MINIMUM CHARGE NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS PER WATER USER FOR WATERMASTER SERVICES.

#### **HOUSE BILL NO. 426 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE FREE EXERCISE OF RELIGION; AMENDING CHAPTER 4, TITLE 73, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 73-405, IDAHO CODE, TO PROHIBIT ANY OCCUPATIONAL LICENSING BOARD OR GOVERNMENTAL SUBDIVISION OR ENTITY FROM DENYING, REVOKING OR SUSPENDING A PERSON'S PROFESSIONAL OR OCCUPATIONAL LICENSE, CERTIFICATE OR REGISTRATION DUE TO CERTAIN CONDUCT, TO CLARIFY THAT SPECIFIED PROVISIONS ARE NOT A DEFENSE TO AND DO NOT AUTHORIZE THE INTENTIONAL INFLICTION OF EMOTIONAL OR PHYSICAL INJURY UPON ANY PERSON AND TO PROVIDE THAT SPECIFIED PROVISIONS DO NOT AUTHORIZE VIOLATION OF CERTAIN DESIGNATED LAWS.

#### **HOUSE BILL NO. 427 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE FREE EXERCISE OF RELIGION; AMENDING SECTION 73-402, IDAHO CODE, TO PROVIDE THAT A PERSON WHOSE EXERCISE OF RELIGION IS BURDENED IN VIOLATION OF SPECIFIED LAW MAY OBTAIN APPROPRIATE RELIEF AGAINST ANY PERSON RELYING UPON ANY GOVERNMENT ACTION, ENACTMENT OR LAW THAT BURDENS A PERSON'S EXERCISE OF RELIGION.

#### **HOUSE BILL NO. 428 BY EDUCATION COMMITTEE AN ACT**

RELATING TO PUBLIC SCHOOLS; AMENDING SECTION 33-507, IDAHO CODE, TO REVISE AUTHORITY OF TRUSTEES OF SCHOOL DISTRICTS REGARDING THE EMPLOYMENT OF A SPOUSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-514A, IDAHO CODE, TO PROVIDE AN ADDITIONAL GROUND WHEN A CATEGORY 1 LIMITED CONTRACT MAY BE ISSUED; AND AMENDING SECTION 33-5204, IDAHO CODE, TO REVISE AUTHORITY OF THE BOARD OF DIRECTORS OF A PUBLIC CHARTER SCHOOL REGARDING THE EMPLOYMENT OF A SPOUSE AND TO MAKE TECHNICAL CORRECTIONS.

#### **HOUSE BILL NO. 429 BY EDUCATION COMMITTEE AN ACT**

RELATING TO STUDENT RESIDENCY; AMENDING SECTION 33-2110B, IDAHO CODE, TO REVISE A DEFINITION AND TO REVISE PROVISIONS RELATING TO A PERSON ON MILITARY ORDERS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A RESIDENT STUDENT WHO IS A MEMBER OF AN IDAHO NATIVE AMERICAN INDIAN TRIBE AND TO MAKE TECHNICAL CORRECTIONS.

[H 421](#), [H 422](#), [H 423](#), [H 424](#), [H 425](#), [H 426](#), [H 427](#), [H 428](#), and [H 429](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1216](#), [S 1217](#), and [S 1218](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

[H 381](#) and [H 384](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

### Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 367](#) be returned to the Transportation and Defense Committee. There being no objection, it was so ordered.

### [H 366](#) - NATIONAL GUARD

[H 366](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hixon to open debate.

The question being, "Shall [H 366](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Collins, Palmer. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 366](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [S 1210](#) - APPROPRIATIONS - DEFICIENCY WARRANTS

[S 1210](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [S 1210](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Bateman, Collins, Palmer. Total – 3.

Total – 70.

Whereupon the Speaker declared that [S 1210](#) passed the House. Title was approved and the bill ordered returned to the Senate.

### [H 407](#) - APPROPRIATIONS - DEPARTMENT OF ADMINISTRATION

[H 407](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 407](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Collins, Palmer. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 407](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 358](#) - RISK-BASED CAPITAL FOR INSURERS

[H 358](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Youngblood to open debate.

The question being, "Shall [H 358](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Bateman, Batt, Bell, Bolz, Burgoyne, Chew, Clow, Crane, Erpelding, Eskridge, Gannon, Gibbs, Hancey, Hartgen, Henderson, Hixon, Horman, Kauffman, King, Kloc, Malek, McDonald, Meline, Miller, Monks, Morse, Moyle, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Smith, Stevenson, Thompson, VanOrden, Wills, Wood(27), Woodings, Youngblood, Mr. Speaker. Total – 48.

NAYS – Andrus, Barbieri, Barrett, Boyle, Dayley, DeMordaunt, Denney, Gestrin, Harris, Holtzclaw, Loertscher, Luker, McMillan, Mendive, Nielsen, Shepherd, Sims, Trujillo, Vander Woude, Wood(35). Total – 20.

Absent – Collins, Palmer. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 358](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 360 - ARCHITECTS**

**H 360** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall **H 360** pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, Meline, Miller, Monks, Morse, Moyle, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Woodings, Youngblood, Mr. Speaker. Total – 61.

NAYS – Barbieri, Harris, McMillan, Mendive, Nielsen, Sims, Wood(35). Total – 7.

Absent – Collins, Palmer. Total – 2.

Total – 70.

Whereupon the Speaker declared that **H 360** passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, January 29, 2014. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:45 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk